

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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WILLIAM RICHARDSON, ET AL.,

Plaintiffs,

MEMORANDUM OPINION AND  
ORDER

-against-

07 Civ. 11632 (MGC)

NATIONAL FOOTBALL LEAGUE, NATIONAL  
FOOTBALL LEAGUE MANAGEMENT COUNCIL,  
NATIONAL FOOTBALL LEAGUE PENSION  
PLAN, NATIONAL FOOTBALL LEAGUE FLEX  
PLAN, NATIONAL FOOTBALL LEAGUE  
MANAGEMENT COUNCIL PENSION PLAN,  
NFL EMPLOYEE BENEFIT COMMITTEE, AND  
COMPREHENSIVE DRUG TESTING, INC.

Defendants.

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APPEARANCES:

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National Football League Management Council, National  
Football League Pension Plan, National Football League  
Flex Plan, National Football League Management Council  
Pension Plan, and NFL Employee Benefit Committee  
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**Cedarbaum, J.**

Eighty-nine individual plaintiffs and the executors of four plaintiffs' estates assert varied claims under the Employee Retirement Income Security Act of 1974 and the Age Discrimination in Employment Act of 1967. Defendants National Football League Flex Plan, National Football League Management Council Pension Plan, NFL Employee Benefit Committee, National Football League, National Football League Management Council, National Football League Pension Plan, National Football League Capital Accumulation Plan move to dismiss the Amended Complaint for failure to state a claim. Defendant Comprehensive Drug Testing, Inc. ("CDT") moves to dismiss plaintiffs' claims against it for failure to state a claim, as well as for lack of personal jurisdiction.

A complaint must plead "enough facts to state a claim for relief that is plausible on its face." Bell Atlantic Corp. v. Twombly, 550 U.S. 544, ---, 127 S.Ct. 1955, 1974 (2007).

The generalized allegations of the Amended Complaint reveal no effort to plead specific facts connected to particular plaintiffs' claims. Because the Amended Complaint fails to plead sufficient facts to state a plausible and timely claim for each of the eighty-nine individual plaintiffs and four executors, the defendants' motion to dismiss the Amended Complaint is granted with leave to file a Second Amended Complaint by May 26, 2009.

Plaintiffs are directed to allege sufficient facts to establish a prima facie case of personal jurisdiction over CDT in any Second Amended Complaint that is filed.

A pre-trial conference will be held on April 1, 2009, at 10:30 A.M., in Courtroom 14A, United States Courthouse, 500 Pearl Street, New York, New York. All counsel are directed to appear at that time and place.

SO ORDERED.

Date: New York, New York  
March 27, 2009

S/ \_\_\_\_\_  
MIRIAM GOLDMAN CEDARBAUM  
United States District Judge